

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
-----------------------------------------------	------------------------------------

This document relates to: *All Actions*

**AFFIRMATION OF SEAN P. CARTER TRANSMITTING EVIDENCE
IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO THE
MOTION TO DISMISS OF THE KINGDOM OF SAUDI ARABIA AND SAUDI HIGH
COMMISSION FOR RELIEF OF BOSNIA & HERZEGOVINA**

Sean P. Carter affirms as follows:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O'Connor. I submit this Affirmation to transmit to the Court the following documents submitted in support of Plaintiffs' Memorandum of Law in Opposition to the Motion to Dismiss of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina ("SHC").

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs' Averment of Facts and Evidence in Support of Their Claims Against the Kingdom of Saudi Arabia and the Saudi High Commission for Relief of Bosnia & Herzegovina.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Affirmation of Senator Bob Graham, Co-Chair of the Joint Congressional Inquiry into the September 11th Attacks.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Affirmation of Secretary John F. Lehman, a Member of the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission").

5. Attached hereto as Exhibit 4 is a true and correct copy of the Affirmation of Senator Bob Kerrey, a Member of the National Commission on Terrorist Attacks Upon the United States (“9/11 Commission”).

6. Attached hereto as Exhibit 5 is a true and correct copy of the October 20, 2014 sworn testimony of Zacarias Moussaoui.

7. Attached hereto as Exhibit 6 is a true and correct copy of the October 21, 2014 (9:31am) sworn testimony of Zacarias Moussaoui.

8. Attached hereto as Exhibit 7 is a true and correct copy of the October 21, 2014 (11:15am) sworn testimony of Zacarias Moussaoui.

9. Attached hereto as Exhibit 8 is a true and correct copy of the October 21, 2014 (1:18pm) sworn testimony of Zacarias Moussaoui.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Affirmation of Evan Francois Kohlmann.

11. Attached hereto as Exhibit 10 is a true and correct copy of *The Basic Law of Governance*, captured from the webpage of the Saudi Arabian Embassy in Washington, D.C.

12. Attached hereto as Exhibit 11 is a true and correct copy of *King Fahd’s Speech on the Issuance of the Basic Law of Governance*, captured from the webpage of the Saudi Arabian Embassy in Washington, D.C.

13. Attached hereto as Exhibit 12 is a certified translation of the Saudi Arabian Royal Decree published in the Umm Al-Qura, Year 70, Issue 3462, July 16, 1993.

14. Attached hereto as Exhibit 13 is a certified translation of the Lecture of Sheikh Saleh bin Abdel Aziz Al Sheikh, Minister of Religious Affairs, titled “*Efforts of the Servant of the Two Holy Mosques in Advocacy and the Service of Islam and Muslims.*”

15. Attached hereto as Exhibit 14 is a certified translation of the Lecture of Abdel Aziz bin Abdullah Al-Ammar, Assistant Deputy Minister of Islamic Affairs for Missionary Affairs, titled “*A Blessed Occasion.*”

16. Attached hereto as Exhibit 15 is a certified translation of a transcript from the interview of Abdul Majid Bin Muhammad Al Omari, General Manager for External Relations in the Ministry of Islamic Affairs, conducted on January 22, 2014.

17. Attached hereto as Exhibit 16 is a certified translation of the article appearing in the Al-Riyadh Daily Newspaper, *Secretary General of the Supreme Council for Islamic Affairs to “Al-Riyadh”: Council Soon to Coordinate and Unify Saudi Charity Organizations’ Efforts Abroad Ready to Support Charity Organizations with Information on any Country to Avoid Falling into Fraud Trap*, authored by Ali Al-Shethry.

18. Attached hereto as Exhibit 17 is a true and correct copy of the “Matrix of Threat Indicators for Enemy Combatants,” used by the U.S. military’s “Joint Task Force at Guantanamo” to determine a detainee’s “capabilities and intentions to pose a terrorist threat if the detainee were given the opportunity.” Exhibit 16, p. 1. The Matrix of Threat Indicators identifies the “Saudi High Commission for Relief” as one of the organizations within a list of “terrorist and terrorist support entities” and indicates that “through associations with these groups and organizations, a detainee may have provided support to al-Qaida or the Taliban, or engaged in hostilities against U.S. or Coalition forces.” Exhibit 16, pp. 15-17.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Declaration of Ali Ahmed Ali Hamad, a confessed al Qaeda member and former employee of the Saudi High Commission. On the basis of his personal experiences as a member of al Qaeda and employee of the SHC, Hamad states in his Declaration that “I can attest that the Saudi High Commission was

extensively involved in supporting al Qaida's operations in Bosnia, both before and after the Bosnian war." Exhibit 17, ¶ 41, p. 7.

20. Attached hereto as Exhibit 19 is a true and correct copy of an Expert Report prepared by the German Federal Office of Criminal Investigation at the request of the Office of Prosecutor of the U.N.'s International Criminal Tribunal for the Former Yugoslavia. The Expert Report documents that the Saudi High Commission transferred at least \$28,500,000.00 from its own accounts to the Third World Relief Agency ("TWRA") during a nine (9) month period. Exhibit 18, pp. 11-12. According to the Final Report of the National Commission on Terrorist Attacks Upon the United States ("9/11 Commission"), the TWRA was one of the ostensible charities Osama bin Laden used to fuel al Qaeda's growth and development. *See* 9/11 Commission Final Report, p. 58, available at <http://www.911commission.gov/report/911Report.pdf>.

21. Attached hereto as Exhibit 20 is a true and correct copy of an "audit" allegedly conducted by the Bosnian government of the Saudi High Commission. The so-called audit, which is in fact a document called "Minutes" relating to an apparent audit, indicates that based on "the inspection of available documentation on financial operation, as well as of fund raising and expenditure of the Humanitarian Organization Saudi High Commission for Relief for BiH from the Kingdom of Saudi Arabia ... for the period from 1998 to 2001 inclusive, it has been established that this organization is not in possession of structured business books demanded under the Law on Accountancy," and that "it had not been making the annual or semi-annual accounting records, or financial reports (balance of records and balance of achievements) for the period concerned. In addition to this, in the procedure of inspection and investigation it was found that the Humanitarian Organization Saudi High Commission for Relief for BiH from the Kingdom of Saudi Arabia ... had not been performing harmonization of accounting of funds and

obligations to sources of funds with the actual status that is being determined by drawing an inventory, following the regulations of Article 23 of the Law on Accountancy.” Exhibit 19, p. 5.

22. Attached hereto as Exhibit 21 is a true and correct copy of the transcript from the interview of Senator Richard Burr, Chairman of the U.S. Senate Select Committee on Intelligence, and Senator Christopher S. Murphy, U.S. Senate Committee on Foreign Relations, conducted by CNN on January 18, 2015.

23. Attached hereto as Exhibit 22 is a true and correct copy of the October 22, 2001 article appearing in the Wall Street Journal, *The Saudis: Friend or Foe?*, authored by Simon Henderson.

24. Attached hereto as Exhibit 23 is a true and correct copy of the December 4, 2002 article appearing at ITP.net, *Saudi Arabia on the Diplomatic Offensive: Disputes Terror Funding Allegation*.

25. Attached hereto as Exhibit 24 is a true and correct copy of the Index of Evidence Supporting Plaintiffs’ Averment of Facts and Evidence in Support of Their Claims Against the Kingdom of Saudi Arabia and the Saudi High Commission for Relief of Bosnia & Herzegovina. The Exhibits to that Index are incorporated herein by reference.

Executed from Philadelphia, Pennsylvania on February 3, 2015.

/s/_____
Sean P. Carter, Esquire